

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL CACOPERDO,

Civ. Act. No.: 10-civ-7847 (RPP)

Plaintiff,

-against-

NOTICE OF MOTION

HARTFORD LIFE INSURANCE COMPANY,

Defendant.

DOCUMENT
ELECTRONICALLY FILED

-----X

PLEASE TAKE NOTICE that, upon the Declaration of Juan M. Mendez dated May 31, 2012 and the exhibits annexed thereto, the Declaration of Bruce Luddy dated May 29, 2012, the Declaration of Michael H. Bernstein, Esq. dated June 1, 2012, the Rule 56.1 Statement of Material Facts, and Memorandum of Law in support, all simultaneously submitted herewith, defendant, HARTFORD LIFE INSURANCE COMPANY (“Hartford”), by its attorneys, Sedgwick LLP, will move this Court, on a date and at a time set by the Court, before the Hon. Robert P. Patterson, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, New York, New York 10007 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment and dismissing plaintiff’s Complaint, which seeks relief under the Employee Retirement Income Security Act of 1974 (“ERISA”) §502(a)(1)(B), 29 U.S.C. §1132(a)(1)(B), with prejudice on the grounds that Hartford’s decision to deny his claim for continuing long-term disability benefits under the governing ERISA plan was not arbitrary and capricious and for such other and further relief this Court deems just and proper.

Dated: New York, New York
June 1, 2012

Respectfully Submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)

JOHN T. SEYBERT (JS 5014)

DANIEL M. MEIER (DM 2833)

SEDGWICK LLP

125 Broad Street, 39th Floor

New York, New York 10004-2400

Telephone: (212) 422-0202

Facsimile: (212) 422-0925

(Sedgwick File No. 02489-000101)

Attorneys for Defendant

HARTFORD LIFE INSURANCE COMPANY

To: Jason A. Newfield, Esq.
Frankel & Newfield, P.C.
585 Stewart Avenue - Suite 312
Garden City, New York 11530
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION** was served **via ECF and FedEx** on June 1, 2012, upon the following:

Jason A. Newfield, Esq.
Frankel & Newfield, P.C.
585 Stewart Avenue - Suite 312
Garden City, New York 11530

Dated: New York, New York
June 1, 2012

s/_____
DANIEL M. MEIER (DM 2833)